

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ZACHARY HOUSTON SHOMER,	:	
	:	
Plaintiff,	:	Case No. 2:24-cv-01283
	:	
v.	:	Judge Algenon L. Marbley
	:	Magistrate Judge Kimberly A. Jolson
AMBER MARIE RHEINSCHELD, et al.,	:	
	:	
Defendants.	:	

ORDER

This matter is before this Court on the Magistrate Judge’s Report and Recommendation (“R&R”), issued on September 18, 2024, that Defendant Amber Marie Rheinscheld be dismissed from this action. (ECF No. 22). Plaintiff filed this civil rights action *pro se*, alleging Eighth Amendment violations under 42 U.S.C. § 1983. Specifically, Plaintiff alleges that he was sexually assaulted by other prisoners at Ross Correctional Institution at the direction of Defendant Rheinscheld and subsequently denied medical care by Defendant Williams. (*See* ECF No. 6, at 1).

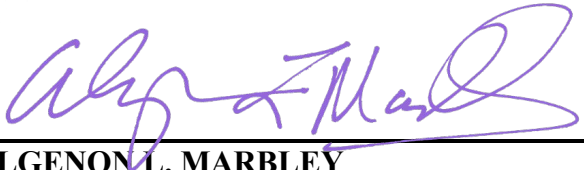
Based on Plaintiff’s filings and evidence submitted by the Ohio Attorney General’s office, the Magistrate Judge concluded that Defendant Rheinscheld is not a state actor under Section 1983, because she has never been employed by the Ohio Department of Rehabilitation and Correction (ODRC) or worked as a contractor for Aramark Inc. at Ross Correctional Institution. (ECF No. 22, at 2–3). The Magistrate Judge also examined the factual allegations underlying Plaintiff’s claim against Defendant Rheinscheld and found them to be frivolous. (*Id.* at 3–4). Accordingly, she recommended that Defendant Rheinscheld be dismissed from this action. (*Id.* at 4). The R&R further advised Plaintiff that he had fourteen (14) days to raise any objections and cautioned that failure to

do so would waive his right to *de novo* review. (*Id.* at 5). No objections to the R&R have been filed, and the time for making any objections has passed.

Having reviewed the R&R, this Court finds the Magistrate Judge's analysis to be well-reasoned and thorough. Accordingly, this Court **ADOPTS** the R&R (ECF No. 22) as this Court's findings of facts and law. Defendant Rheinscheld is hereby **DISMISSED** from this action.

IT IS SO ORDERED.

DATED: October 4, 2024



ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE